

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CENTRAL PENN DISTILLING, INC.
d/b/a MASON DIXON DISTILLERY,
Plaintiff

v.

DRAKE’S ORGANIC SPIRITS, INC.,
Defendant

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No. 1:22-cv-00179

(Judge Kane)

ORDER

AND NOW, on this 10th day of January 2023, in accordance with the accompanying

Memorandum, **IT IS ORDERED THAT:**

1. The motion for leave to file a document under seal filed by Defendant Drake’s Organic Spirits, Inc. (“Defendant”) (Doc. No. 34) is **GRANTED**, and the Clerk of the Court is directed to maintain under seal the document docketed in this action on September 27, 2022 (Doc. No. 35);
2. Defendant’s motion for partial dismissal of Plaintiff’s claims (Doc. No. 25) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Counts II and III of Plaintiff’s amended complaint—insofar as they seek cancelation of Defendant’s registered trademark DRAKE’S ORGANIC BOXTAILS—are **DISMISSED WITH PREJUDICE**;
 - b. Count IV of Plaintiff’s amended complaint is **DISMISSED WITH PREJUDICE**;
 - c. Defendant’s motion to dismiss is **DENIED** in all other respects; and
3. Defendant shall file an answer to Plaintiff’s amended complaint (Doc. No. 11) within twenty-one (21) days of the date of this Order.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania